IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8389 of 2005

Between:

1 Manair Educational Academy, Padma Nagar,
Karimnagar - 505 002, Rep. by its Secretary,
K. Anantha Reddy
2 Raja Bahadur Venkatarama Reddy Vignana Parishad,
Karimnagar Rep. by its Correspondent,
Pingali Bhaskar Reddy

..... PETITIONERS

AND

The Kakatiya University, Warangal, Rep. by its Registrar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the Respondent in keeping the application filed by the petitioner seeking affiliation to Manair College of Education, Sircilla Road, Padmananagar, Karimnagar and R.B.V.R.R. College of Education, Seetharampur, Arepalli Post, Karimnagar in abeyance as arbitrary, illegal, offending Article 14 of the Constitution of India, being contrary to the provisions of A. P. Universities Act, 1991 by way of issue of a writ, order or direction, more particularly one in the nature of writ of mandamus and consequently direct the respondent to grant affiliation to the colleges established by the petitioner forthwith to enable the colleges to be allotted the students for the academic year 2004-05.

Counsel for the Petitioners:MR.D.V.SITARAMAMURTHY

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE

The Court, at the stage of admission, made the following :

ORDER :

This writ petition is filed aggrieved by the action of the respondent-Kakatiya University, Warangal, in not considering the applications of the petitioners for grant of affiliation to the colleges established by them for the academic year 2004-05 to start B.Ed., courses on the ground that *Government orders* are not yet issued in favour of the petitioners.

It is not in dispute that the petitioners herein were already granted no-objection certificates by the Government and that they were also granted recognitions by the National Council for Teacher Education (for short "NCTE). In the circumstances, the contention of the petitioners is that the respondent-university is not at all justified in insisting on further *Government orders.*

When the matter is taken up for consideration, learned counsel for both parties represented that the issued raised in this writ petition is squarely covered by the decision of this Court in W.P.No.7878 of 2005 dated 13.04.2005, whereunder having considered an identical issue, this Court held that in the absence of any provision under the National Council for Teacher Education Act, or any other statute which provides for permission from the Government to start the college after the institution was granted no-objection certificate by the Government and recognition by the NCTE, the action of the respondent-university therein in returning the application for grant of affiliation only on the ground of further permission from the Government appears to be unwarranted and cannot be sustained. Accordingly the said writ petition was disposed of with a direction to the respondent-university to consider the application of the petitioner therein afresh for grant of affiliation without insisting for obtaining permission from the Government.

Following the decision in W.P.No. 7878 of 2005, the writ petition is disposed of with a direction to the respondent University to consider the applications of the petitioners for grant of affiliation to the colleges established by them for the academic year 2004-05, without insisting for obtaining further order or permission from the Government to start the colleges and to pass appropriate orders in accordance with

law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order. No costs.

_____

15.04.2005

sh

To

1. The Registrar, Kakatiya University, Warangal.

2. 2 CD copies